United Nations A/HRC/S-21/L.1

General Assembly

Distr.: Limited
23 July 2014

Original: English

ORAL REVISIONS 23/7/2014 at 16:15

Human Rights Council
Twenty-first special session
23 July 2014

Afghanistan,* Algeria, Cuba, Djibouti,* Egypt* (on behalf of the Group of Arab States), Indonesia, Maldives, Morocco, Pakistan (on behalf of the Organization of Islamic Cooperation), Saudi Arabia, State of Palestine,* Venezuela (Bolivarian Republic of): draft resolution

S-21/...Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Reaffirming the right to self-determination of the Palestinian people and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

Affirming the applicability of international human rights law and international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that all High Contracting Parties to the Fourth Geneva Convention[1] are under the obligation to respect and ensure respect for the obligations arising from the said Convention in relation to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming their obligations under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Gravely concerned at the lack of implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict of 2009,[2] and convinced that lack of accountability for violations of international law reinforces a culture

* Non-member State of the Human Rights Council.
[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] A/HRC/12/48.

of impunity, leading to a recurrence of violations and seriously endangering the maintenance of international peace,

Noting that 9 July 2014 marked the tenth anniversary of the adoption of the advisory opinion by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory and that no progress has been made on its implementation, and affirming the urgent need to respect and ensure respect for international humanitarian law and international human rights law in this regard,

Firmly convinced that justice and respect for the rule of law are the indispensable bases for peace, and stressing that prevailing long-standing and systemic impunity for international law violations has created a justice crisis in the Occupied Palestinian Territory that warrants action, including accountability for international crimes,

Noting the systematic failure by Israel to carry out genuine investigations in an impartial, independent, prompt and effective way, as required by international law, on violence and offences carried out against Palestinians by the occupying forces and settlers and to establish judicial accountability over its military actions in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing the obligations of Israel as the occupying Power to ensure the welfare and safety of the Palestinian civilian population under its occupation in the West Bank, including East Jerusalem, and in the Gaza Strip, and noting Israel's wilful abdication and rejection of its obligations in this regard,

Noting that the deliberate targeting of civilians and other protected persons and the perpetration of systematic, flagrant and widespread violations of applicable international humanitarian law and international human rights law in situations of armed conflict constitute grave breaches and a threat to international peace and security,

Deploring the massive Israeli military operations in the Occupied Palestinian Territory, including East Jerusalem, since 13 June 2014, which have involved disproportionate and indiscriminate attacks and resulted in grave violations of the human rights of the Palestinian civilian population, including through the most recent Israeli military assault on the occupied Gaza Strip, the latest in a series of military aggressions by Israel, and actions of mass closures, mass arrest and the killing of civilians in the occupied West Bank,

Expressing grave concern at the critical humanitarian situation in the Gaza Strip, including in particular the forced displacement of tens of thousands of Palestinian civilians, the crisis in access to adequate water and sanitation services affecting nearly 1 million people, and the extensive damage to electricity infrastructure resulting in 80 per cent of the population receiving electricity only four hours a day, and underlining the importance of providing emergency humanitarian assistance to them and other victims,

Welcoming the establishment of the Palestinian national consensus Government on 2 July 2014 as an important step towards Palestinian reconciliation, which is crucial for achieving a two-State solution based on the pre-1967 borders and lasting peace, and emphasizing that the situation of the occupied Gaza Strip is unsustainable as long as it remains geographically, politically and economically separated from the West Bank,

1. *Strongly condemns* the failure of Israel, the occupying Power, to end its prolonged occupation of the Occupied Palestinian Territory, including East Jerusalem, in accordance with international law and relevant United Nations resolutions;

2. *Condemns in the strongest terms* the widespread, systematic and gross violations of international human rights and fundamental freedoms arising from the Israeli military operations carried out in the Occupied Palestinian Territory since 13 June 2014,

particularly the latest Israeli military assault ~~i~~on the occupied Gaza Strip, by air, land and sea, which has involved disproportionate and indiscriminate attacks, including aerial bombardment of civilian areas, the targeting of civilians and civilian properties in collective punishment contrary to international law, and other actions, including the targeting of medical and humanitarian personnel, that may amount to international crimes, directly resulting in the killing of more than ~~500~~650 Palestinians, most of them civilians and more than ~~100~~170 of whom are children, the injury of more than ~~3,500~~4.000 people and the wanton destruction of homes, vital infrastructure and public properties;

3. *Condemns* all violence against civilians wherever it occurs, including the killing of two Israeli civilians as a result of rocket fire, and urges all parties concerned to respect their obligations under international humanitarian law and international human rights law;

4. *Calls for* an immediate cessation of Israeli military assaults throughout the Occupied Palestinian Territory, including East Jerusalem, and an end to attacks against all civilians, including Israeli civilians;

5. *Welcomes* the initiative of Egypt, supported by the League of Arab States, and calls for all regional and international actors to support this initiative in view of securing a comprehensive ceasefire;

6. *Demands* that Israel, the occupying Power, immediately and fully end its illegal closure of the occupied Gaza Strip, which in itself amounts to collective punishment of the Palestinian civilian population, including through the immediate, sustained and unconditional opening of the crossings for the flow of humanitarian aid, commercial goods and persons to and from the Gaza Strip, in compliance with its obligations under international humanitarian law;

7. *Calls upon* the international community, including the States Members of the United Nations, international financial institutions and intergovernmental and non-governmental organizations, as well as regional and interregional organizations, to provide urgently needed humanitarian assistance and services to the Palestinian people in the Gaza Strip, including by supporting the emergency appeal launched by the United Nations Relief and Works Agency for Palestine Refugees in the Near East on 17 July 2014;

8. *Expresses grave concern* at the rising number of incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers illegally transferred to the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, and condemns in the strongest terms the resulting perpetration of hate crimes;

9. *Expresses deep concern* at the condition of Palestinian prisoners and detainees in Israeli jails and detention centres, in particular following the arrest by Israel of more than 1,000 Palestinians since 13 June 2014, and calls upon Israel, the occupying Power, to immediately release all Palestinian prisoners whose detention is not in accordance with international law, including all children and all members of the Palestinian Legislative Council;

10. *Underlines* the importance of ensuring the protection of all civilians, emphasizes the continued failure of Israel to protect the Palestinian civilian population under its occupation as demanded by international law, and in this context calls for immediate international protection for the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of the Charter of the United Nations, international humanitarian law and international human rights law;

11. *Recommends* that the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention,[1] promptly reconvene the conference of High Contracting Parties to the Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with article 1 common to the four Geneva Conventions,[3] bearing in mind the statement adopted by the Conference of the High Contracting Parties on 15 July 1999, and the Declaration adopted by the Conference on 5 December 2001;

12. *Requests* all relevant special procedures mandate holders to urgently seek and gather information on all human rights violations in the Occupied Palestinian Territory, including East Jerusalem, according to their respective mandates, and to include their observations in their annual reports to the Human Rights Council;

13. *Decides* to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before, during or after, to establish the facts and circumstances of such violations and of the crimes perpetrated and to identify those responsible, to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring that those responsible are held accountable, and on ways and means to protect civilians against any further assaults, and to report to the Council at its twenty-eighth session;

14. *Requests* the cooperation, as appropriate, of other relevant United Nations bodies with the commission of inquiry to carry out its mission, and requests the assistance of the Secretary-General and the United Nations High Commissioner for Human Rights in this regard, including in the provision of all administrative, technical and logistical assistance required to enable the commission of inquiry and special procedures mandate holders to fulfil their mandates promptly and efficiently;

15. *Requests* the High Commissioner to report on the implementation of the present resolution, including on measures taken with regard to ensuring accountability for the serious violations of international humanitarian law and human rights in the Occupied Palestinian Territory, including East Jerusalem, to the Human Rights Council at its twenty-seventh session;

16. *Decides* to remain seized of the matter.

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[3] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

S-21/L.1: Ensuring respect for international law in the OPT, inc. East Jerusalem (as orally revised)

Date (2014.07.23) & Time 18 : 20

ALGERIA	YES	FRANCE	ABST	PAKISTAN	YES
ARGENTINA	YES	GABON	ABST	PERU	YES
AUSTRIA	ABST	GERMANY	ABST	PHILIPPINES	YES
BENIN	ABST	INDIA	YES	REP. OF KOREA	ABST
BOTSWANA	ABST	INDONESIA	YES	ROMANIA	ABST
BRAZIL	YES	IRELAND	ABST	RUSSIAN FEDERATION	YES
BURKINA FASO	ABST	ITALY	ABST	SAUDI ARABIA	YES
CHILE	YES	JAPAN	ABST	SIERRA LEONE	YES
CHINA	YES	KAZAKHSTAN	YES	SOUTH AFRICA	YES
CONGO	YES	KENYA	YES	THE FORMER YUG. REP. OF MACEDONIA	ABST
COSTA RICA	YES	KUWAIT	YES	UNITED ARAB EMIRATES	YES
COTE D'IVOIRE	YES	MALDIVES	YES	UNITED KINGDOM	ABST
CUBA	YES	MEXICO	YES	UNITED STATES OF AMERICA	NO
CZECH REPUBLIC	ABST	MONTENEGRO	ABST	VENEZUELA	YES
ESTONIA	ABST	MOROCCO	YES	VIET NAM	YES
ETHIOPIA	YES	NAMIBIA	YES		

Yes	29	Abst.	17	No	1